

3. On August 10, 2012, Cheryl Fischer presented her one-year old Labrador mix dog named Skeeter to Douglas Johnson, D.V.M. at the Brazos Woods Veterinary Clinic ("Clinic") in Lake Jackson, Texas for spay surgery.
4. Dr. Johnson performed the spay surgery. On August 11, 2012, Ms. Fischer picked Skeeter up from the Clinic.
5. On August 15, 2012, Ms. Fischer noticed a reddish fluid dripping from the incision. Ms. Fischer called the Clinic, but was told by a member of Clinic staff that it was too late to bring Skeeter in that day.
6. On August 16, 2012, Ms. Fischer called the Clinic in the morning, and was told by a member of Clinic staff to bring Skeeter to the Clinic at 3:30 pm. Clinic staff informed Ms. Fischer that Dr. Johnson had sold the practice and was no longer working there, and that as of August 13, 2012, the new veterinarian at the Clinic was Respondent.
7. When Ms. Fischer presented Skeeter at the Clinic, Respondent examined Skeeter's incision and saw that it was bulging. Respondent initially suspected that it was a seroma, and removed two stainless steel skin sutures in an effort to facilitate drainage. With the sutures gone, Respondent was able to see that there was no subcutaneous closure or lineal closure in the incision, and that the incision was draining peritoneal fluid. Respondent told Ms. Fischer that Skeeter needed to have the incision surgically repaired, and Ms. Fischer consented to having the repair performed that day.
8. Despite having removed the sutures, Respondent did not perform the surgery immediately. Respondent instead placed Skeeter in a cage in the surgical recovery room of the Clinic. Clinic staff did not place an Elizabethan collar on Skeeter.
9. While Skeeter was in the cage, she chewed her incision open, eviscerating herself, and began chewing on her own intestines, causing profuse bleeding. According to the Clinic's patient records, "[Skeeter] had resected a large portion of her small intestine and was hemorrhaging profusely and near death when discovered."
10. Respondent was unable to contact Ms. Fischer by phone. Respondent determined that Skeeter would quickly die of blood loss from her injuries, and therefore performed emergency euthanasia.

Conclusions of Law

1. Respondent is required to comply with the provisions of the Veterinary Licensing Act, Chapter 801, Texas Occupations Code, and with the Board's Rules.
2. Based on Conclusions of Law 1 through 10, Respondent violated Rule of Professional Conduct 573.22, PROFESSIONAL STANDARD OF HUMANE TREATMENT, by failing to

either perform emergency surgery immediately, or place an Elizabethian collar on Skeeter to prevent her from self-mutilating while the dog was in a cage awaiting emergency surgery.

3. Based on Findings of Fact 1 through 10 and Conclusions of Law 1 and 2, Respondent has violated Sections 801.402 (6) of the Veterinary Licensing Act, Texas Occupations Code, and is subject to disciplinary action by the Board:

801.402. GENERAL GROUNDS FOR LICENSE DENIAL OR DISCIPLINARY ACTION. A person is subject to denial of a license or to disciplinary action under Section 801.401 if the person:...

(6) engages in practices or conduct that violates the board's rules of professional conduct...

4. Based on Conclusions of Law 1 through 3, Respondent is subject to disciplinary action under Section 801.401 of the Veterinary Licensing Act, Texas Occupations Code:

801.401. DISCIPLINARY POWERS OF BOARD. (a) If an applicant or license holder is subject to denial of a license or to disciplinary action under Section 801.402, the Board may: (a)

- (1) refuse to examine an applicant or to issue or renew a license;
- (2) revoke or suspend a license;
- (3) place on probation a license holder or person whose license has been suspended;
- (4) reprimand a license holder; or
- (5) impose an administrative penalty.

.... (d) In addition to other disciplinary actions authorized by this subchapter, the board may require a license holder who violates this chapter to participate in a continuing education program.

NOW, THEREFORE, THE BOARD AND RESPONDENT AGREE AS FOLLOWS:

Based on the above Findings of Fact and Conclusions of Law, the Board orders that Respondent receive a FORMAL REPRIMAND.

The Board further ORDERS that:

1. Respondent shall abide by the Rules of Professional Conduct, the Texas Veterinary

Licensing Act, and the laws of the State of Texas and the United States.

2. Respondent shall cooperate with the Board's attorneys, investigators, compliance officers and other employees and agents investigating Respondent's compliance with this Agreed Order.

3. Failure by Respondent to comply with the terms of this Agreed Order or with any other provisions of the Licensing Act or the Board Rules, may result in further disciplinary action.

Respondent, by signing this Agreed Order, acknowledges her understanding of the Agreed Order, the notice, and Findings of Fact and Conclusions of Law set forth herein, and agrees that she will satisfactorily comply with the mandates of the Agreed Order in a timely manner or be subject to appropriate disciplinary action by the Board.


Respondent, by signing this Agreed Order, waives her right to a formal hearing and any right to seek judicial review of this Agreed Order. Respondent acknowledges that she had the right to be represented by legal counsel in this matter.

RESPONDENT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

The effective date of this Agreed Order shall be the date it is adopted by the Board.

I, BROOKE ASHLEY, D.V.M., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THAT THIS ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.


BROOKE ASHLEY, D.V.M.

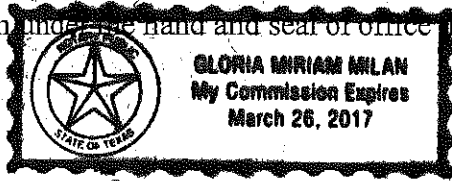

~~8/20/13~~ 8/27/13
DATE

STATE OF TEXAS §
COUNTY OF Brazoria §

BEFORE ME, on this day, personally appeared Brooke Ashley, D.V.M., known to me as the

person whose name is subscribed to the foregoing document, and acknowledged to me that she executed the same for the purposes stated therein.

Given under the hand and seal of office this 27 day of August, 2013.



Gloria Milan

Gloria Milan
Notary Public

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 22nd of October, 2013

Bud E. Alldredge, Jr.
Bud E. Alldredge, Jr., D.V.M., President